

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 17, 2001

H021806 PEOPLE v. GORDON

The judgment is affirmed. (published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
O'Farrell, J.*)
Filed September 17, 2001
*Judge of the Monterey Superior Court sitting under assignment by
the Chairperson of the Judicial Council.

TUESDAY, SEPTEMBER 18, 2001

H021783 PEOPLE v. BURNS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed September 18, 2001

H021620 PEOPLE v. OBIACORO

The case is remanded with orders that the trial court modify
the minute order to show that on counts 1 and 2 the trial court
sentenced defendant to the middle term of six years and imposed a
ten-year enhancement under section 12022.5, subdivision (b), and
that the sentence imposed on count 2 was ordered to run
concurrently to count 1. In all other respects the judgment is
affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 18, 2001

WEDNESDAY, SEPTEMBER 19, 2001

H021775 PEOPLE v. LENNON

H022900 IN RE DAVID RICHARD LENNON ON HABEAS CORPUS

The judgment is affirmed. The petition for writ of habeas
corpus is denied. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 19, 2001

Sixth Appellate District

San Jose, California

Wednesday, September 19, 2001 (continued)

H021373 PEOPLE v. SHARNAK

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed September 19, 2001

H021588 PEOPLE v. ORTIZ

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (not published)
(Bamattre-Manoukian, J., Acting P. J.; We concur: Wunderlich, J., Cottle, J.*)

Filed September 19, 2001

*Retired Presiding Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H021398 KLA-TENCOR CORP. v. SCHLUMBERGER TECHNOLOGIES, INC.

H021410 SCHLUMBERGER TECHNOLOGIES, INC. v. RHODES, et al.

The trial court's order enjoining Labbee from participating in the litigation is affirmed. The trial court's order imposing sanctions is reversed. Each party to bear its own costs on appeal. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed September 19, 2001

H021928 DFCS v. JOSEFINA R.

H022947 In re JOSEFINA R. on Habeas Corpus

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (not published)

(Cottle, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed September 19, 2001

*Retired Presiding Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Wednesday, September 19, 2001 (continued)

H021973 KERKORIAN v. CITY OF SAN JOSE

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Cottle, J.*)

Filed September 19, 2001

*Retired Presiding Justice of the Court of Appeal, Sixth
Appellate District, assigned by the Chief Justice pursuant to
article VI, section 6 of the California Constitution.

THURSDAY, SEPTEMBER 20, 2001

H022747 DFCS v. ROSA O.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)
Filed September 20, 2001

H021237 PEOPLE v. HUDDLESTON

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 20, 2001

H020459 HERSHMAN, et al v. CITY OF SANTA CLARA

By the Court*:

Appellants' petition for rehearing is denied.
Filed: September 20, 2001

Before Mihara, Acting P.J. and Cottle, J.

*Retired Justice of the Sixth District Court of Appeal assigned
by the Chief Justice pursuant to Article VI, Section 6 of the
California Constitution.

Sixth Appellate District

San Jose, California

Thursday, September 20, 2001 (continued)

H023117 ANNA T. v. SUPERIOR COURT OF SANTA CRUZ COUNTY

The petition for extraordinary writ is denied. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Filed September 20, 2001

*Judge of the Monterey County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

FRIDAY, SEPTEMBER 21, 2001

H022146 PEOPLE v. REYES

The judgment is affirmed. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed September 21, 2001

*Judge of the Monterey County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H021569 PEOPLE v. O'KEEFE

The restitution order is reversed, and the court is directed to hold a new restitution hearing at which defendant shall be entitled to counsel. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 21, 2001

H022361 In re KEVIN S.; DFCS v. MICHELLE S.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: September 21, 2001

Before Bamattre-Manoukian, J., Wunderlich, J. and Cottle, P.J.

*Retired Justice of the Sixth District Court of Appeal assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

Sixth Appellate District

San Jose, California

Friday, September 21, 2001 (continued)

H021661 PEOPLE v. SMITH

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 21, 2001

H021864 PEOPLE v. DAVID S.

The juvenile court's order is reversed and the cause is remanded to the juvenile court for it to make a finding beyond a reasonable doubt, based on the evidence previously presented to it at the jurisdictional hearing, as to whether or not appellant harbored general criminal intent (i.e., *knowing* possession of the knife on school grounds). If the court finds beyond a reasonable doubt that appellant harbored such intent, it shall reinstate the order. If the court fails to find beyond a reasonable doubt that appellant harbored such intent, it shall enter an order dismissing the jurisdictional petition. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed September 21, 2001

H021155 HARTY v. VANCE BROWN, INC., et al.

The judgment is affirmed. Costs on appeal to VBI. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Cottle, J.*)

Filed September 21, 2001

*Retired Presiding Justice of the Sixth District Court of Appeal assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution)